



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



Nashua Corporation  
Specialty Coated Products Division  
Attn: Raymond J. Pieczarka, Facilities Manager  
59 Daniel Webster Highway  
Merrimack, NH 03054

**ADMINISTRATIVE ORDER  
BY CONSENT  
No. WD 03-023**

Re: NPDES General Permit No. NHG 250376

**A. INTRODUCTION**

This Administrative Order by Consent is issued by the Department of Environmental Services, Water Division to, and with the consent of, Nashua Corporation, pursuant to RSA 485-A:22. This Administrative Order by Consent is effective upon signature by both parties.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, with its principal office at 29 Hazen Drive, Concord, NH 03301-0095.
2. Nashua Corporation Specialty Coated Products Division ("Nashua Corp") is a commercial paper products manufacturing business, having a mailing address of Nashua Corporation, Specialty Paper Products Division, 59 Daniel Webster Highway, Merrimack, NH 03054.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the Commissioner of DES has adopted Env-Ws 401- 405 relating to permits.
2. Pursuant to RSA 485-A:22, V, the Commissioner is authorized to impose fines of up to \$2,000 per violation for violations relating to this program. Pursuant to this section, the Commissioner has adopted Env-C 603 to establish the schedule of fines for such violations.
3. By letter dated January 9, 2001, Nashua Corp filed a notice of intent with the United States Environmental Protection Agency ("EPA") requesting coverage under the terms of the federal National Pollutant Discharge Elimination System General Permit ("NPDES General Permit") for discharge of non-contact cooling water to the Merrimack River.
4. Nashua Corp's operation is permitted under the terms of the NPDES General Permit for discharge of non-contact cooling water. Nashua Corp's Permit No. NHG250367 was issued by EPA, with an effective date of February 9, 2001.

5. On February 16, 2001, the NPDES General Permit became effective as a State discharge permit, under RSA 485-A:13, I (a) and New Hampshire Code of Administrative Rules Env-Ws 401 and 402. Herein after the federal/state permit is referred to jointly as the "NPDES General Permit".

6. The NPDES General Permit authorizes Nashua Corp to discharge non-contact cooling water to the Merrimack River. The temperature limits specified in the permit are for a warm water fishery, subject to specified effluent limitations, monitoring requirements, and other conditions.

7. The NPDES General Permit stipulates the monitoring and reporting requirements that Nashua Corp is to follow. The following conditions apply:

a)

Parameter	Frequency of Analysis	Sample Type	Quality/Concentration
Temperature	3 per week	Grab	Monthly Average and Daily Maximum
pH	Weekly	Grab	Minimum and Maximum
Effluent Flow	Weekly	Estimate or Totalizer	Monthly Average and Daily Maximum

b) Discharge Monitoring Reports ("DMR") are to be submitted monthly during the term of the permit.

8. EPA issued a letter to Nashua Corp dated April 9, 2001 providing the preprinted DMR forms; a reminder to review the NPDES General Permit sampling and reporting obligations; protocol for DMR authorization and timeframe for delivery; and a description of EPA's authority to issue Administrative Penalties for Clean Water Act and NPDES General Permit conditions.

9. DES conducted a NPDES Compliance Sampling Inspection ("CSI") on April 23, 2002 at Nashua Corp, and prepared a NPDES Inspection Worksheet ("Worksheet").

10. The Worksheet prepared by DES documented Nashua Corp's failure to sample the parameters specified in the NPDES General Permit for the period February 16, 2001 through April 23, 2002.

11. The Worksheet prepared by DES documented Nashua Corp's failure to submit monthly DMRs for the period February 16, 2001 through April 23, 2002.

12. Based on DES' records, Nashua Corp began sampling and reporting on April 23, 2002

13. Based on DES' records, Nashua Corp submitted DMRs for January through April 2002 in a single mailing on May 9, 2002. Each DMR noted "NODI - E", representing the No Data Indicator Code for "Analysis Not Conducted."

14. By letter dated June 5, 2002, DES informed Nashua Corp that the issues addressed on the Worksheet completed on April 23, 2002, had been resolved in a manner consistent with the DES regulations and the NPDES General Permit requirements.

#### **D. DETERMINATION OF VIOLATIONS**

1. Nashua Corp failed to sample the parameters specified in the NPDES General Permit for the period February 16, 2001 through April 23, 2002.
2. Nashua Corp failed to submit monthly DMRs for the period February 16, 2001 through December 31, 2001.
3. Nashua Corp failed to submit monthly DMRs in a timely manner for the monitoring period January 1, 2002 through March 31, 2002.

#### **E. ORDER**

Based on the above findings and determinations, DES hereby orders Nashua Corp, and Nashua Corp agrees to undertake to complete the following actions in accordance with the time schedules specified:

1. **By January 30, 2004**, provide a progress report to DES on the work required by E.2 and E.3, below.
2. **By March 31, 2004**, complete installation of a closed loop system for recirculation of non-contact cooling water at Nashua Corp's facility. The closed loop system shall be fully operational by this date as well.
3. **By March 31, 2004**, discontinue discharge of non-contact cooling water to the Merrimack River and permanently seal the non-contact cooling water discharge pipe that connects to the outfall. DES notes that the roof drains connected to this outfall may remain in use as long as no other process water discharges are co-mingled with the roof drain discharge.
4. **By April 30, 2004**, provide EPA and DES with a letter of request to close out Nashua Corp's NPDES General Permit. This letter shall include a diagram, description and photographs showing the method used to permanently seal the non-contact cooling water discharge pipe that connects to the outfall.
5. Send all correspondence and all data, reports and other submissions required by this Order to:

Ms. Sharon L. Ducharme, P.E.  
DES-WD/WWEB  
P.O. Box 95  
Concord, NH 03302-0095

copy to: Ms. Joy Hilton  
USEPA Region 1/Water Technical Unit  
1 Congress St., Suite 1100  
Boston, MA 02114-2023

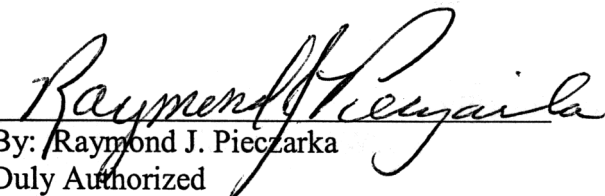
## F. STIPULATED PENALTIES


1. In accordance with Env-C 603.08(a), Nashua Corp agrees to pay \$2,000 per calendar month or portion thereof for each provision of the Order for which compliance is not achieved after the deadline specified in the Order. Nashua Corp must also provide the information as described in Attachment 1, at least 30 days prior to any deadline, if Nashua Corp anticipates exceeding the deadline.
2. If stipulated penalties become due, payment shall be submitted to DES with the monthly DMR. Payment shall be in the form of a certified check made payable to the "New Hampshire Water Pollution Control Association" ("NHWPCA"). Penalty proceeds will be used to purchase equipment for loan to wastewater treatment facilities for compliance assistance and troubleshooting, and for developing and improving training programs for wastewater treatment plant operators. The DMR and any payment shall be mailed to NHDES Water Division, Wastewater Engineering Bureau, Attn: Sharon L. Ducharme, P.E., P.O. Box 95, Concord, NH 03302-0095.
3. Based on Nashua Corp's cooperation and efforts to comply with this Order, at this time DES is not seeking penalties for the violations documented in Section D. Pursuant to Env-C 603.05 based on the failure to comply with the conditions and requirements of the NPDES General Permit, the maximum potential fine is \$56,000. Contingent upon Nashua Corp complying with this Order, DES agrees to waive the penalties associated with the violations detailed in Section D. Nothing in this agreement shall be construed to limit DES's ability to take further enforcement against Nashua Corp for continued non-compliance, including without limitation, referral to the New Hampshire Department of Justice or to EPA.

## G. CONSENT AND WAIVER OF APPEAL

1. By execution of this Administrative Order by Consent, Nashua Corp agrees that this Order shall apply to and be binding upon Nashua Corp, its officers, directors, successors and assigns, and agrees that this Order may be entered and enforced by a court of competent jurisdiction.
2. By execution of this Administrative Order by Consent, Nashua Corp waives any right to appeal this Administrative Order by Consent provided by statute, rule or common law, including without limitation the right to appeal to the Water Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.

## NASHUA CORPORATION

  
By: Raymond J. Pieczarka  
Duly Authorized

  
Date

NH DEPARTMENT OF ENVIRONMENTAL SERVICES

  
**COPY**

Harry T. Stewart, P.E., Director  
Water Division

Date

10/29/03

  
**COPY**

Michael P. Nolin, Commissioner

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Attachment: Attachment 1- Time Extension Request Policy

cc: John Ireland - President, Nashua Corporation  
Joy Hilton – USEPA, Water Technical Unit  
Sharon L. Ducharme, P.E. – DES WWEB  
Mark Harbaugh – DES Legal Unit  
Mitch Locker – DES WSEB